

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF OKLAHOMA**

(1) LOIS CRISP)
)
)
Plaintiff,)
)
)
v.)
)
)
(2) UNITED STATES OF AMERICA)
)
)
Defendant.)

Case No. 18-cv-040-KEW

COMPLAINT

1. The Plaintiff Lois Crisp is a citizen of the State of Oklahoma and a resident of Okmulgee County, Oklahoma.

2. This Court's jurisdiction is based on federal question, the Federal Tort Claims Act (FTCA), 28 U.S.C. §§ 2671-2680.

3. Venue is proper because the acts of negligence occurred in Okmulgee County, Oklahoma, which is in the Eastern District of Oklahoma.

4. The Muscogee (Creek) Nation (MCN) operates the Muscogee (Creek) Nation Medical Center in Okmulgee County, Oklahoma.

5. On July 28, 2015, an employee of the MCN negligently attempted to start an IV catheter for Ms. Crisp. The employee did not use a recommended peripheral intravenous catheter site, such as the antecubital fossa (bend of the arm) or a large vein in the forearm. The employee power injected contrast media into a site that was already painful. The employee did not assess and record the catheter patency, as measured by confirmation of blood return when aspirating the catheter. The employee did not monitor the site by palpation for the first 15 seconds of the injection. Had he done this, he could have discovered the extravasation earlier, and avoided injection of a large amount of contrast into the tissue around the catheter. The

employee did not immediately stop the injection as soon as Ms. Crisp complained of pain at the site.

6. As a result of the negligence of that employee, contrast media extravasated into Ms. Crisp's right hand, causing serious, painful and permanent injury. Lois Crisp suffered damages, including mental and physical pain and suffering; loss of earnings and impairment to future earning capacity; past and future medical bills; permanent injury; loss of enjoyment of life; loss of quality of life; impaired physical condition; disfigurement.

5. The MCN enjoys a Compact of Self-Governance with the United States of America and the FTCA applies to the Nation's programs, functions, services and activities under its Funding Agreement with the federal government.

6. The Plaintiff has complied with the requirements of the FTCA. Notice was served on the United States of America on or about July 26, 2017. It has been more than six months since the Plaintiff first presented his claim to the appropriate Federal agency and the agency has not made a final disposition of the claim.

WHEREFORE, Plaintiff demands judgment against the Defendant in an amount in excess of \$2,000,000.00, interest, costs and anything else to which she is entitled by law.

Respectfully Submitted:

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